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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,651	03/05/2002	Brady R. Dow	21224-000130	9164
20350	7590	04/27/2005		
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER BADII, BEHRANG	
			ART UNIT 3621	PAPER NUMBER

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/091,651

Applicant(s)

DOW, BRADY R.

Examiner

Behrang Badii

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4 and 6-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4 and 6-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Amendment

Applicant's arguments with respect to claims 2-4 & 6-25 have been considered but are moot in view of the new ground(s) of rejection.

DETAILED ACTION

Claims 2-4 & 6-25 have been examined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24, 2-4, 25, 6-8, 12-17 & 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirni et al., U.S. patent 6,731,609, and further in view of Hayashi, U.S. patent 6,722,989.

As per claim 24, Hirni et al. discloses a network of conversation control systems, the network comprising: at least a first and a second conversation control system; and a central control, wherein the central control is communicably coupled to the first and the second conversation control systems (Abstract; Fig. 1). Hirni et al. does not disclose script items formed in a presentation. Hayashi discloses scripts items formed in a presentation (abstract, fig's. 24, 26 & 19). It would have been obvious to modify Hirni et al. to include scripts items formed in a presentation such as that taught by Hayashi in order to allow the user to choose a response such that the conversation can be directed in a particular way, along a particular route to come to a certain conclusion.

As per claim 2, Hirni et al. further discloses an initiator, wherein the initiator (dialer, caller, calling system) is communicably coupled to the central control (Abstract; Fig. 1).

As per claim 4, Hirni et al. further discloses a central control comprising a set of components, and wherein the set of components is copied (routed) to both the first conversation control system and the second conversation control system under direction of the central control (Abstract; Fig. 1; col. 1, lines 42-58).

As per claim 25, Hirni et al. discloses a method for providing information to one or more recipients, the method comprising: providing a first conversation control system, wherein the first conversation control system includes a computer readable medium associated with the first conversation control system; providing a second conversation control system, wherein the second conversation control system includes a computer readable medium associated with the second conversation control system; providing an initiator; communicating with the initiator, wherein a recipient is contacted; and selecting one of the first conversation control system or the second conversation control system to interact with the recipient; and communicating with the recipient via the selected conversation control system (Abstract; Fig. 1). Hirni et al. does not disclose a plurality of performed script items. Hayashi discloses a plurality of performed script items (abstract, fig's. 24, 26 & 19). It would have been obvious to modify Hirni et al. to include a plurality of performed script items such as that taught by Hayashi in order to allow the user to choose a response such that the conversation can be directed in a particular way, along a particular route to come to a certain conclusion.

As per claim 7, Hirni et al. further discloses maintaining components (packets) for use by the first and second conversation control systems on a central control (col. 1, lines 42-58); and updating both the first and second conversation control systems with the components (col. 30, lines 20-30).

As per claim 8, Hirni et al. further discloses determining if a component on the first conversation control system is less recent than a component on the central control (col. 30, lines 20-30).

As per claim 12, Hirni et al. further discloses a network of conversation control systems, the method comprising: initiating contact with a recipient via an initiator;

selecting a conversation control system; routing information received from the recipient to the conversation control system; outputting the information received from the recipient via an output device of the conversation control system; receiving an indication of a script item to respond to the information received from the recipient; and presenting the script item to the recipient (Abstract; Fig. 1; Fig 2a and 2b). Hirni et al. does not disclose a performed script item. Hayashi discloses a performed script item (abstract, fig's. 24, 26 & 19). It would have been obvious to modify Hirni et al. to include a performed script item such as that taught by Hayashi in order to allow the user to choose a response such that the conversation can be directed in a particular way, along a particular route to come to a certain conclusion.

As per claim 13, Hirni et al. further discloses receiving an indication of a script, wherein the script item is associated with a step of the script (packet technology) (col. 1, 42-58).

As per claim 14, Hirni et al. further discloses receiving an indication of a presentation, wherein the presentation controls the form that the script item is presented to the recipient (col. 1, lines 15-27, lines 65-67; col. 2, lines 1-11).

As per claim 15, Hirni et al. further discloses the indicated presentation as a voice presentation (col. 5, lines 37-52).

As per claim 16, Hirni et al. further discloses the voice presentation as a particular person's voice (col. 19, lines 15-21).

As per claim 17, Hirni et al. further discloses the person's voice as pre-recorded (col. 11, lines 56-59).

As per claim 21, Hirni et al. further discloses the selecting of the conversation control system is done by determining which of a plurality of conversation control systems is currently not in use (col. 25, lines 63-67; col. 26, lines 1-13).

As per claim 22, Hirni et al. further discloses selecting the conversation control system is done by determining which of a plurality of conversation control systems is about to terminate use (col. 9, lines 7-22; col. 26, lines 40-60).

As per claim 23, Hirni et al. further discloses providing a central control, wherein selection of the conversation control system is effectuated by the central control via a computer network (fig. 1; col. 1, lines 65-67; col. 2, lines 1-12; col. 2, lines 24-40).

As per claims 3,6 and 20, Hirni et al. further discloses the initiator as a predictive dialer (caller, request to make calls) (col. 26, lines 7-13).

Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirni et al., U.S. patent 6,731,609 as applied to claim 5 above, and further in view of

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Atsman et al., U.S. patent 6,607,136. As per claim 5, Hirni et al. discloses a method for providing information to one or more recipients as described above. As per claim 9, Hirni et al. does not disclose a computer associated with a database, wherein the database comprises one or more audio files; a speaker; and a input device. Astman et al. discloses a computer associated with a database, wherein the database comprises one or more audio files; a speaker; and a input device (Fig. 1, 29, 45 and 47; col. 35, lines 12-19; col. 51, lines 45-60). It would have been obvious to modify Hirni et al. to include a computer associated with a database, wherein the database comprises one or more audio files; a speaker; and a input device such as that taught by Astman et al. in order to have more ways to communicate via a computer and in order to have the database, including the audio files within the computer to make sending audio data more feasible and have more personal control over the sent data.

As per claim 10, Astman et al. further discloses receiving a first audio signal from the recipient; and outputting the first audio signal via the speaker to a user (Fig. 1, 29, 45 and 47; col. 35, lines 12-19; col. 51, lines 45-60).

As per claim 11, Astman et al. further discloses receiving a selection from the user at the input device of the first conversation control system, wherein the selection designates an audio file; and converting the audio file to a second audio signal; and outputting the second audio signal to the recipient (Fig. 1, 29, 45 and 47; col. 35, lines 12-19; col. 51, lines 45-60).

Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirni et al., U.S. patent 6,731,609 as applied to claim 14 above, and further in view of Borman et al., U.S. patent 6,748,055. As per claim 14, Hirni et al. discloses receiving an indication of a presentation, wherein the presentation controls the form that the script item is presented to the recipient (col. 1, lines 15-27, lines 65-67; col. 2, lines 1-11). Hirni et al. also discloses the software being written in different languages including Java (col. 41, lines 40-55). As per claim 18, Hirni et al. does not disclose the indicated presentation being in the recipient's language. Borman et al. discloses the indicated presentation being in the recipient's language and that the Java language is used in this software program (col. 11, lines 30-50). It would have been obvious to modify Hirni et al. to include the indicated presentation being in the recipient's language such as that taught by Borman et al. in order to be able to have a platform that is language independent, therefore the system being capable of communicating in different languages according to where the user is from and what language the user speaks. Since the Java platform is used in the software being used, the system is language independent.

As per claim 19, Borman et al. further discloses the recipient's language not being the user's language (col. 11, lines 30-50).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrang Badii whose telephone number is 571-272-6879. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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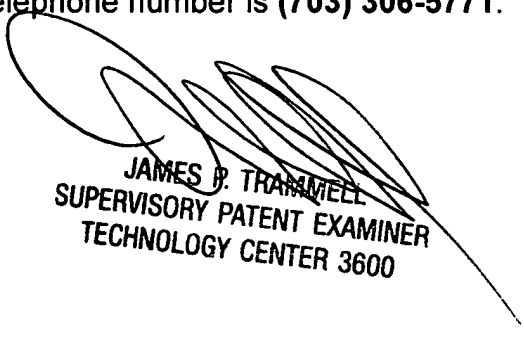
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 3600 Customer Service Office whose telephone number is **(703) 306-5771**.

Behrang Badii
Patent Examiner
Art Unit 3621


JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
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BB